

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHRISTOPHER C.L. CUSTER, M.D.	*
Plaintiff	* * No. 4:CV-00-1860 *(JUDGE JONES)
v.	*
PENN STATE GEISINGER HEALTH SYSTEM, GEISINGER MEDICAL GROUP – LEWISTOWN, PENN STATE GEISINGER CLINIC, t/d/b/a PENN STATE GEISINGER HEALTH GROUP – LEWISTOWN	*
Defendants	*
	*
	*
	ELECTRONICALLY FILED
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	*
	JURY TRIAL DEMANDED
	*
	*

**WITHDRAWAL OF MOTION IN LIMINE
ELECTRONICALLY FILED WITH THE COURT ON 9/26/05**

AND NOW come the Defendants, by their counsel, Paul J. Dellasega, Esquire, who withdraw from consideration by the Court, Motion in Limine (g) filed with the Court on September 26, 2005. The motion was improvidently filed. The Motion in Limine in question, (g), states as follows: "That Defendants be permitted to introduce evidence regarding the Plaintiff's malpractice settlement with the Defendants, when same is relevant to the issue of mitigation of damages."

Respectfully submitted,
THOMAS, THOMAS & HAVER, LLP

By: *s/Paul J. Dellasega*

Dated: September 30, 2005

Paul J. Dellasega, Esquire
305 North Front Street
Sixth Floor, P.O. Box 999
Harrisburg, PA 17108
(717) 255-7602
Attorneys for Penn State Geisinger Health System, Geisinger Medical Group – Lewistown, Penn State Geisinger Clinic, t/d/b/a Penn State Geisinger Health Group - Lewistown

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CHRISTOPHER C.L. CUSTER, M.D.	*
Plaintiff	*
	No. 4:CV-00-1860
	(JUDGE JONES)
v.	*
	*
PENN STATE GEISINGER HEALTH	*
SYSTEM, GEISINGER MEDICAL	*
GROUP – LEWISTOWN, PENN	*
STATE GEISINGER CLINIC,	*
t/d/b/a PENN STATE GEISINGER	*
HEALTH GROUP – LEWISTOWN	*
Defendants	*

ELECTRONICALLY FILED

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I, Paul J. Dellasega, swear, and HEREBY CERTIFY that I served a copy of the within document on the 30th day of September, 2005, by electronic filing as follows:

Charles F. Wasilefski, Esquire
PETERS & WASILEFSKI
2931 North Front Street
Harrisburg, PA 17110

s/Paul J. Dellasega

Paul J. Dellasega, Esquire